

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN TURNER,

2:14-cv-00384-GMN-VCF

Plaintiff,

ORDER

VS.

SOUTHERN DESERT CORRECTIONAL
CENTER, *et al.*,

Defendants.

This closed prisoner civil rights action comes before the Court on plaintiff's motion (#5) for appointment of counsel and motion (#6) for summary judgment.

Final judgment dismissing this action without prejudice to the filing of a new action was entered on March 24, 2014. The motion for appointment of counsel is dated March 18, 2014, prior to entry of judgment. The motion for summary judgment is dated March 23, 2014, also prior to entry of judgment.

The Court would have dismissed the action without prejudice on the same basis even if the two motions had been actually received and filed rather than only constructively filed prior to entry of final judgment. The Court would not have been inclined to grant appointment of counsel on the showing made rather than dismiss the improperly commenced action without prejudice to the filing of a new action. The Court also would not have been inclined to grant the motion for summary judgment prior to dismissing the action without prejudice. The motion was premature prior to screening, service, and entry of a scheduling order.

1 **IT IS THEREFORE ORDERED** that plaintiff's motion (#5) for appointment of
2 counsel and motion (#6) for summary judgment both are **DENIED without prejudice**.

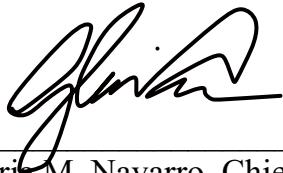
3 **IT IS FURTHER ORDERED** that the *Klingele* minute order (#7) entered herein is
4 **VACATED**.

5 The Clerk shall SEND plaintiff another copy of ## 3 through 6 with this order.

6 This action has been, and remains, **CLOSED**.

7 **DATED** this 7 day of April, 2014.

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11 Gloria M. Navarro, Chief Judge
12 United States District Court